

## DISTRICT OF COLUMBIA PUBLIC SCHOOLS

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007 ("Public Education Reform Amendment Act"), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the below emergency and proposed rule. Emergency action is needed to preserve the consistent application of the District's Freedom of Information Act throughout all District government agencies. With the passage of the Public Education Reform Amendment Act, DCPS became a subordinate agency to the Mayor and subject to the rules of the Mayor. This emergency and proposed rule will delete rules for the implementation of the Freedom of Information Act from Chapter 34 of Title 5 of the District of Columbia Municipal Register (DCMR), rules that were promulgated specific to DCPS as an independent agency and which are now in conflict with those promulgated for all District government agencies.

This emergency is necessitated by the need to ensure preservation of the public welfare in general, to remove a direct conflict in regulations, and to clarify the procedures that DCPS is required to follow in response to a Freedom of Information Act request.

The emergency rule was adopted on February 9, 2009 and became effective immediately. This emergency rule will remain in effect for up to one hundred twenty (120) days, unless earlier superseded by a notice of final rulemaking.

The proposed rule will be submitted to the Council for a forty-five (45) day period of review. The Chancellor also hereby gives notice of the intent to adopt this rule, in final, in not less than thirty (30) days from the publication of this notice in the *D.C. Register* or upon approval of the rule by the Council whichever occurs later.

**Chapter 34 of Title 5 of the DCMR is deleted in its entirety.**

**Title 5 of the DCMR is amended to add a new Chapter B34 to a new Subtitle B to read as follows:**

**CHAPTER B34      FREEDOM OF INFORMATION****B3400      GOVERNING REGULATIONS**

B3400.1      The regulations found in Chapter 4 of Title 1 of the District of Columbia Municipal Regulations shall be the rules and procedures followed by the District of Columbia Public Schools in implementing the District of Columbia's Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96, D.C. Official Code § 2-531 *et seq.*).

Comments on this rule should be submitted, in writing, to Michelle Rhee, Chancellor, DCPS, at 825 North Capitol Street, NE, 9th Floor, Washington, DC, 20002, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address.

## DEPARTMENT OF HEALTH

## NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting Director of the Department of Health Care Finance , pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code §1-307.02 (2002), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code §7-771.05(6)), hereby gives notice of the adoption, on an emergency basis, of an amendment to sections 5200.4 and 5213.1 of Chapter 52 of Title 29 of the District of Columbia Municipal Regulations (DCMR), entitled “Medicaid Reimbursement For Mental Health Rehabilitative Services (MHRS)”. The purpose of these proposed rules is to set forth the appropriate billing code for the MHRS services and increases in reimbursement rates for certain MHRS services: medication/somatic treatment, counseling, community-based intervention (CBI) and assertive community treatment (ACT).

A notice of emergency and proposed rulemaking was published in the *DC Register* on October 17, 2008 (55 DCR 010983). Comments were received and currently under review by DMH. This rulemaking amends the previously published rules by revising the procedure codes for diagnostic/assessment service and community support service.

Issuance of these rules on an emergency basis is necessary to increase the number of qualified providers participating in the MHRS program, especially qualified providers of services to children, youth and their families. Emergency action is necessary for the immediate preservation of the health, welfare and safety of children, youth and adults with mental illness in need of mental health services.

The emergency rulemaking was adopted on January 16, 2009 and became effective on that day. The emergency rules will remain in effect for one hundred twenty (120) days or until May 15, 2009, unless superseded by publication of another rulemaking notice in the *DC Register*, whichever comes first.

The Acting Director also gives notice of intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *DC Register*.

**Chapter 52 of Title 29 DCMR (Medicaid Reimbursement for Mental Health Rehabilitative Services) is amended as follows:**

Section 5200.4 shall be deleted in its entirety and amended to read as follows:

5200.4            Each MHRS provider shall comply with the certification standards set forth in Chapter 34 of Title 22A District of Columbia Municipal Regulations (DCMR).

Section 5213.1 shall be deleted in its entirety and amended to read as follows:

5213.1 Medicaid reimbursement for MHRS shall be determined as follows:

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Diagnostic/Assessment	T1023HE	An assessment, at least 3 hours in duration	\$ 240.00
Medication/Somatic Treatment	T1502	15 minutes	\$ 35.72 –Individual (ages 22 and over)
	T1502HA	15 minutes	\$ 38.96 – Individual (ages 0 – 21)
	T1502HQ	15 minutes	\$ 19.33 – Group
Counseling	H0004	15 minutes	\$ 19.50 Individual On-site (ages 22 and over)
	H004HA	15 minutes	\$ 20.31 - Individual On-Site (ages 0 – 21)
	H004HQ	15 minutes	\$ 10.45 – Group
Community Support	H0036	15 minutes	\$ 20.10 Individual
	H0036HQ		\$ 8.67 Group
Crisis/Emergency	H2011	15 minutes	\$ 33.57
Day Services	H0025	One day, at least 3 hours in duration	\$ 144.77
Intensive Day Treatment	H2021	One day, at least 5 hours in duration	\$ 164.61
Community-Based	H2022	15 minutes	\$ 31.35
Assertive Community Treatment	H0039	15 minutes	\$ 33.23

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be submitted in writing to Julie Hudman, Acting Director, Department of Health Care Finance, 825 North Capitol Street, N.E., Suite 5135, Washington, D.C. 20002. Copies of these rules may be obtained from the same address.